IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 879 OF 2005
IN
SUM.SUIT NO.253 OF 2005

Anshul Agencies. ..Plaintiff.

V/s.

J.L.Morision (India) Ltd. & Ors...Defendants.

Mr.Sandesh Patil i/b Vikas Mahangare for defendant No.1/applicants.

Mr.Ralson Fernandes for plaintiff.

CORAM: A.M.KHANWILKAR,J

DATE : OCTOBER 3, 2005.

P.C. :

1. Heard counsel for the parties. Perused the pleadings.

2. Although this application is resisted by the plaintiff on the argument that no sufficient cause is shown, in my opinion, delay is only of 128 days and has been explained in the affidavit in support of the application. As there is no reason to doubt the correctness of the explanation offered on behalf of the defendants, delay cannot be said to be intentional.

3. In the circumstances, chamber summons is

allowed in terms of prayer clause (a), but on condition that defendants to pay costs quantified at Rs.5,000/- within one week from today, as condition precedent for allowing this application. Costs to be paid directly to the plaintiff.